

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY *RP* D.C.  
MAY 26 PM 5:35

DALTON DYER, a minor, by and  
through his parents, JOSH DYER and  
NICHOLE DYER, and JOSH DYER  
and NICHOLE DYER, Individually

ROBERT J. HOLLIC  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

vs.

No. 05-1004-JDT-tmp  
JURY DEMANDED

SUSAN WALLACE, Individually, and  
HENDERSON COUNTY BOARD OF  
EDUCATION,

Defendants.

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates were established as the final dates for:

MOTIONS TO AMEND PLEADINGS AND JOIN PARTIES:

for Plaintiff:	August 31, 2005
for Defendant:	September 30, 2005

DISCOVERY:

- (a) REQUESTS FOR PRODUCTION, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: January 31, 2006
  - (i) Each party is limited to thirty (30) interrogatories
- (b) EXPERT DISCLOSURE (Rule 26(a)(2)):
  - (i) Plaintiff's Experts: January 15, 2006
  - (ii) Defendant's Experts: February 15, 2006
  - (iii) Plaintiff's Rebuttal Experts: March 3, 2006
- (c) DEPOSITIONS: May 19, 2006

- (i) Maximum of fifty (50) depositions by each party
  - (ii) Each deposition is limited to a maximum of two (2) seven (7) hour days
- (d) SUPPLEMENTATION: Supplementation under Rule 26(e) due as required by the Federal Rules of Civil Procedure but no less than sixty (60) days before the date of trial without leave of court or by agreement of the parties.

FILING DISPOSITIVE MOTIONS: August 9, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- |     |                |                  |
|-----|----------------|------------------|
| (a) | for Plaintiff: | October 6, 2006  |
| (b) | for Defendant: | October 23, 2006 |

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 10 to 15 days and is SET for JURY TRIAL beginning November 6, 2006 at 9:30 a.m. A joint pretrial order is due on October 23, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial. A pretrial conference may be scheduled upon request of the parties.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FED R. CIV. P. allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded the pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FED R. CIV. P. 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is

necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

***The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.***

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Tu M. Pham', is written over a horizontal line.

TU M. PHAM  
UNITED STATES MAGISTRATE JUDGE

APPROVED FOR ENTRY:

By: Charles M. Purcell by JBM with permission

Charles M. Purcell (#12461)  
Jennifer K. Craig (#20036)  
Attorney for Henderson County Board of Education  
Waldrop & Hall, P.A.  
106 South Liberty Street  
Jackson, Tennessee 38301  
(731) 424-6244

By: J. Brandon McWherter

J. Brandon McWherter (#21600)  
Attorney for Plaintiffs  
Spragins, Barnett, Cobb & Butler  
P.O. Box 2004  
Jackson, Tennessee 38302  
731-424-0461

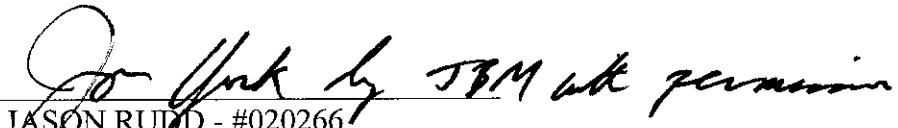
By: Russell E. Reviere by JBM with permission

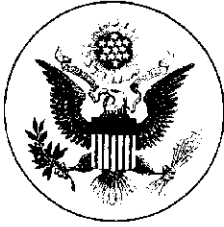
Russell E. Reviere (#07166)  
Rainey, Kizer, Reviere & Bell  
105 S. Highland  
Jackson, Tennessee 38301  
731-423-2414

By: Larry L. Crain by JBM with permission

Larry L. Crain (#9040)  
Law Office of Brentwood  
5214 Maryland Way, Suite 402  
Brentwood, Tennessee 37027-5071  
615-376-2600

PENTECOST, GLENN & RUDD

By:   
JASON RUDD - #020266  
JON YORK - #123106  
106 Stonebridge Boulevard  
Jackson, TN 38305  
731-668-5995



## Notice of Distribution

This notice confirms a copy of the document docketed as number 28 in case 1:05-CV-01004 was distributed by fax, mail, or direct printing on May 27, 2005 to the parties listed.

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Jennifer Craig  
WALDROP & HALL  
106 S. Liberty Street  
P.O. Box 726  
Jackson, TN 38302--072

Russell E. Reviere  
RAINEY KIZER REVIERE & BELL  
209 E. Main Street  
Jackson, TN 38302--114

James Brandon McWherter  
SPRAGINS BARNETT COBB & BUTLER  
P.O. Box 2004  
312 E. Lafayette  
Jackson, TN 38302--200

Jason B. Rudd  
PENTECOST GLENN & RUDD, PLLC  
106 Stonebridge Blvd.  
Jackson, TN 38305

Jason B. Rudd  
PENTECOST GLENN & RUDD, PLLC  
106 Stonebridge Blvd.  
Jackson, TN 38305

Charles M. Purcell  
WALDROP & HALL  
106 S. Liberty Street  
P.O. Box 726  
Jackson, TN 38302--072

Jon A. York  
PENTECOST GLENN & RUDD, PLLC  
106 Stonebridge Blvd.  
Jackson, TN 38305

Honorable James Todd  
US DISTRICT COURT